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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
MEDFORD DIVISION

JACK W. BURNS and LAURA J. BURNS,

No.1:11-cv-3153-CL

Plaintiffs,

v.

PRELIMINARY INJUNCTION

**SUNTRUST MORTGAGE, INC., and FIRST
AMERICAN TITLE INSURANCE
COMPANY,**

Defendants.

In accordance with FRCP 65, plaintiffs Jack W. Burns and Laura J. Burns (collectively "plaintiffs") and defendants SunTrust Mortgage, Inc. ("SunTrust") and First American Title Insurance Company ("First American") (collectively "defendants") agree to entry of an order reflecting the following:

1. Plaintiffs' property (hereinafter "the Property") is legally described in Exhibit A at page 17 attached to Plaintiffs' Complaint, and is commonly known as 2843 Dark Hollow Road, Medford, Oregon 97501.

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2. On or about December 16, 2011, plaintiffs filed this action.

3. Defendants then postponed the foreclosure sale set for December 28, 2011 to February 8, 2012.

4. On or about December 23, 2011, this Court issued a temporary restraining order restraining defendants from proceeding with the foreclosure sale of the Property scheduled for December 28, 2011.

5. Upon plaintiffs' unopposed motion to continue the show cause hearing, and by order of this Court dated January 3, 2012, the preliminary injunction hearing set for January 4, 2012 was rescheduled to February 1, 2012.

6. Based on discussions between the parties and to preserve resources that would otherwise be used to prosecute and defend a preliminary injunction hearing, the parties agree that defendants should be restrained from proceeding with the February 8, 2012 foreclosure sale, or any foreclosure sale of the Property, until the earlier of August 8, 2012, or until this preliminary injunction is dissolved by this Court upon a decision on the merits of plaintiff's case, or dissolved by this Court upon an agreement of the parties.

7. The parties further agree that this Court should take the preliminary injunction hearing currently set for February 1, 2012, off its calendar.

IT IS HEREBY ORDERED:

Based upon the reasons above, and the agreement of the parties, defendants are HEREBY RESTRAINED from proceeding with the February 8, 2012, foreclosure sale, or any foreclosure sale of the Property until the sooner of:

1. The date that this preliminary injunction is dissolved by this Court upon a decision on the merits of plaintiffs' case; or

2. The date that this preliminary injunction is dissolved by this Court upon an agreement of the parties; or

3. August 8, 2012.

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IT IS SO ORDERED.

DATED: 2/1/12, 2012. *10:00 a.m.*

A handwritten signature in black ink, appearing to read "Owen M. Panner", written over a horizontal line.

JUDGE OWEN M. PANNER
U.S. DISTRICT COURT JUDGE

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